

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DONTAY RADNEY,

Plaintiff,

v.

METRO POLICE, *et al.*,

Defendants.

Case No. 2:22-cv-00224-RFB-NJK

**ORDER**

[Docket No. 4]

On February 4, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. On February 9, 2022, the Court found that Plaintiff’s application to proceed *in forma pauperis* was incomplete and denied the application without prejudice. Docket No. 3. On February 11, 2022, Plaintiff filed a renewed application to proceed *in forma pauperis* which is again incomplete. Docket No. 4.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3);
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form); and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 Plaintiff submitted the state court application form instead of this Court's application form.  
2 Further, Plaintiff failed to include a financial certificate. Accordingly, the Court denies Plaintiff's  
3 application to proceed *in forma pauperis*, Docket No. 4, without prejudice, because the application  
4 is incomplete. The Court will grant Plaintiff **one final opportunity** to file a fully complete  
5 application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff  
6 must file a fully complete application to proceed *in forma pauperis* on or before **April 14, 2022**.  
7 Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff  
8 does not file a fully complete application to proceed *in forma pauperis* with all three required  
9 documents on or before **April 14, 2022**, this case will be subject to dismissal without prejudice for  
10 Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents  
11 needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing  
12 fee.

13 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
14 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
15 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file  
16 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before  
17 **April 14, 2022** to proceed with this case.

18 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will  
19 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed  
20 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

21 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*  
22 *pauperis*, Docket No. 4, is **DENIED** without prejudice to file a new fully complete application to  
23 proceed *in forma pauperis* with all three documents.

24 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
25 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
26 information and instructions for filing an *in forma pauperis* application.

27 IT IS FURTHER ORDERED that, on or before **April 14, 2022**, Plaintiff will either pay  
28 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52

1 administrative fee) or file with the Court:

2 (1) a completed Application to Proceed in Forma Pauperis for Inmate on this Court's  
3 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
4 3);

5 (2) a Financial Certificate properly signed by both the inmate and a prison or jail official  
6 (i.e. page 4 of this Court's approved form); and

7 (3) a copy of the inmate's prison or jail trust fund account statement for the previous  
8 six-month period.

9 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
10 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action  
11 on or before **April 14, 2022**, this case will be subject to dismissal without prejudice for Plaintiff  
12 to refile the case with the Court, under a new case number, when Plaintiff has all three documents  
13 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing  
14 fee.

15 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
16 No. 1-1, but will not file it at this time.

17 IT IS SO ORDERED.

18 DATED: February 15, 2022.

19  
20   
21 NANCY J. KOPPE  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28